

III. Remarks

A. Status of the Application

Claims 6, 7, and 22-35 will be pending after entry of the present paper. Claims 2-7 and 22-35 were previously pending. Claims 2-5 are canceled by the present paper without prejudice to or disclaimer of the subject matter therein. No claims are added by the present paper. Reconsideration of the present application in light of the above amendments and following remarks is respectfully requested.

B. Interview Summary

Applicants appreciate the courtesies extended by the Examiner in the telephone interview conducted on January 28, 2010. Generally, the rejections of independent claims 6 and 23 in view of the Tapissier and Suzuki references were discussed. In particular, the Examiner further clarified his interpretations of the references in the context of the client-side management limitations recited in the claims. No agreement was reached. However, in an effort to move the case into condition for allowance Applicants have submitted claim amendments above to even further distinguish the present invention from the cited references. No exhibits were shown in the interview.

C. Claim Rejections – 35 U.S.C. §103

1. Tapissier and Suzuki

Claims 4-7, 22-24, and 26-34 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Publication No. 2003/0078972 to Tapissier et al. ("Tapissier") in view of U.S. Patent 5,736,982 to Suzuki ("Suzuki"). As noted above, claims 4 and 5 are canceled by the present paper. Accordingly, the rejection of claims 4 and 5 is moot and will not be addressed at this time. Applicants respectfully traverse the rejection of claims 6, 7, 22-24, and 26-34 for the following reasons.

As the PTO recognizes in MPEP § 2142:

... The examiner bears the initial burden of factually supporting any prima facie conclusion of obviousness. If the examiner does not produce a prima facie case, the applicant is under no obligation to submit evidence of nonobviousness...

In the present application, a *prima facie* case of obviousness has not been factually supported for the reasons set forth below.

35 U.S.C. §103(a) provides, in part, that:

“A patent may not be obtained . . . if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time of the invention was made to a person having ordinary skill in the art . . .” (emphasis added)

Thus, when evaluating a claim for determining obviousness, all limitations of the claim must be evaluated. In that regard, MPEP § 2143.03 states that “[a]ll words in a claim must be considered in judging the patentability of that claim against the prior art.” Quoting *In re Wilson*, 424 F.2d 1382, 1385 (CCPA 1970).

With respect to independent claim 6, even when combined Tapissier and Suzuki fail to disclose or suggest:

“determining a maximum number of simultaneous connections N supportable by a client to other entities within a virtual world controlled by a server based on a connection speed of the client to a network and a processor speed of a central processing unit within the client;
identifying between one and N entities that meet a predefined criterion from a plurality of entities, the plurality of entities and the client being represented by different avatars within the virtual world controlled by the server;
granting permission to the identified entities to communicate with the client by sending a permission message from the client to each of the identified entities; and
revoking permission to communicate with the client held by entities of the plurality of entities that are not among the identified entities by sending a revocation message from the client to each of the entities that are not among the identified entities, wherein the determining, identifying, granting, and revoking steps are performed by the client;
wherein the predefined criterion is a distance to the client within the virtual world controlled by the server, wherein the plurality of entities and the client are represented by the different avatars within the virtual world such that the distances between each of the plurality of entities and the client are calculated using coordinate information of the avatars within the virtual world;
repeating the identifying, granting, and revoking steps as the avatars move about the virtual world.”

More specifically, Tapissier and Suzuki simply do not disclose or suggest a method of client-side management of communication channels where the client (1) determines a maximum number of simultaneous connections supportable by the client to other entities within a virtual world controlled by a server, (2) identifies entities meeting a predefined criterion, where the predefined criterion is a relative distance of the entity's avatar to the client's avatar within the virtual world controlled by the server, (3) grants and revokes permission to communicate with the client based on the identified entities meeting the predefined criterion.

Neither Tapissier nor Suzuki discloses a method where the client is performing these functions in a virtual world controlled by a server. For example, as noted in the Office Action, in Tapissier an administrator sets the maximum number of chatters in a chat room using the chat server. (Office Action, p. 3; Tapissier, Para. [0081]). Similarly, in Suzuki the server makes the determinations regarding the visual field of the avatars and speech channel connections. (Suzuki, Abstract). Accordingly, even when combined Tapissier and Suzuki cannot disclose a method having the recited combination of features of independent claim 6. Thus, a *prima facie* case of obviousness cannot be established with respect to claim 6. Claims 7 and 28-34 depend from and further limit claim 6. Accordingly, Applicants request that the § 103 rejection of claims 6, 7, and 28-34 over Tapissier and Suzuki be withdrawn.

Further, with respect to independent claim 23, even when combined Tapissier and Suzuki fail to disclose or suggest:

- determining a maximum number of simultaneous connections N supportable by a client to other entities within a virtual world;
- identifying between one and N entities that meet a predefined criterion from a plurality of entities within the virtual world;
- determining whether the identified entities have permission to communicate with the client;
- granting permission to communicate with the client to the identified entities that do not have permission to communicate with the client; and
- revoking permission to communicate with the client to those entities of the plurality of entities that are not among the identified entities,
- wherein the determining, identifying, granting, and revoking steps are performed by the client;
- wherein the predefined criterion is a distance to the client within the virtual world, wherein the plurality of entities and the

client are represented by different avatars within the virtual world such that the distance between each of the plurality of entities and the client are calculated using coordinate information of the avatars within the virtual world;

repeating the identifying, determining whether the identified entities have permission to communicate with the client, granting, and revoking steps as the avatars move about the virtual world.

More specifically and as discussed above with respect to claim 6, Tapissier and Suzuki simply do not disclose or suggest a method of client-side management of communication channels where the client (1) determines a maximum number of simultaneous connections supportable by the client to other entities within a virtual world, (2) identifies entities meeting a predefined criterion, where the predefined criterion is a relative distance of the entity's avatar to the client's avatar within the virtual world, (3) grants and revokes permission to communicate with the client based on the identified entities meeting the predefined criterion, and (4) repeats the identifying, granting, and revoking steps as the avatars move about the virtual world.

Accordingly, even when combined Tapissier and Suzuki cannot disclose a method having the recited combination of features of independent claim 23. Thus, a *prima facie* case of obviousness cannot be established with respect to claim 23. Claims 22, 24, 26, and 27 depend from and further limit claim 23. Accordingly, Applicants request that the § 103 rejection of claims 22-24, 26, and 27 over Tapissier and Suzuki be withdrawn.

2. Tapissier, Suzuki, and Hedge

Claims 2, 3, 25, 28-31, and 35 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Tapissier and Suzuki in further view of U.S. Patent No. 6,925,495 to Hedge et al. ("Hedge"). Claims 2 and 3 are canceled by the present paper. Accordingly, the rejection of claims 2 and 3 is moot and will not be addressed at this time. Claims 25, 28-31, and 35 depend from and further limit either independent claim 6 or independent claim 23. As shown above, Tapissier and Suzuki fail to disclose or suggest all of the limitations of these independent claims. Hedge does not correct these deficiencies of Tapissier and Suzuki. Accordingly, even when combined Tapissier, Suzuki, and Hedge fail to disclose all of the recited limitations of independent claims 6 and 23 and, therefore, claims 25, 28-31, and 35 as well. Thus, Applicants request that the § 103 rejection of claims 25, 28-31, and 35 over Tapissier and Suzuki be withdrawn.

IV. Conclusion

It is believed that all matters set forth in the Office Action have been addressed and that all of the pending claims are in condition for allowance. Accordingly, an indication of allowability is respectfully requested.

The Office Action contains characterizations of the claims and the related art to which Applicant does not necessarily agree. Unless expressly noted otherwise, Applicant declines to subscribe to any statement or characterization in this or any other Office Action.

Should the Examiner find that there are any remaining issues preventing allowance of this case, Applicants request that the Examiner call the undersigned attorney in order to resolve any remaining issues.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Greg Webb", with a stylized flourish at the end.

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Date: March 10, 2010
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